

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SAGE HUMPHRIES, GINA MENICHINO,
ROSEMARIE DeANGELO, DANIELLE
GUTIERREZ and JANE DOE 100,

Plaintiffs,

v.

MITCHELL TAYLOR BUTTON and DUSTY
BUTTON,

Defendants.

Case No. 2:21-cv-01412-APG-EJY

ORDER

Pending before the Court is Defendants Mitchell Taylor Button and Dusty Button's Motion to Strike Pursuant to Fed. R. Civ. P. 12(f). ECF No. 63. The Motion seeks to strike portions of the Buttons' Third Party Complaint and Counterclaim filed at ECF No. 54. *Id.* at 1. The Motion was filed on August 3, 2022, rendering a response date of August 17, 2022. No response to the Motion was filed on or before August 17, 2022. Further, on August 12, 2022—before the response date to the Motion to Strike—the Buttons filed an Amended Third Party Complaint and Counterclaim. ECF No. 67. The filing of the Amended Third Party Complaint and Counterclaim was done before the Court ruled on the Motion to Strike.

It appears from a review of the Amended Third Party Complaint and Counterclaim that the Buttons unilaterally struck and revised the original filing without waiting for the Court to grant or deny their request to do so. *Compare* ECF No. 54, ECF No. 63-1, and ECF No. 67. This filing renders the Motion to Strike moot. The Court also notes that there was no opposition to the Motion to Strike and, thus, under Local Rule 7-2(d), the Motion could otherwise be granted.

DATED this 18th day of August, 2022.

ELAYNA J. YOUGHAI
UNITED STATES MAGISTRATE JUDGE